

## HOUSE BILL NO. 345

INTRODUCED BY J. MANGAN, BECK, GOLIE, HARGROVE, TOOLE, WANZENRIED

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING COUNTIES WITH THE AUTHORITY TO ESTABLISH SALARIES FOR COUNTY OFFICERS; INCLUDING A JUSTICE OF THE PEACE AS A COUNTY OFFICER; REVISING THE BASE SALARY FOR COUNTY ATTORNEYS; ESTABLISHING A COUNTY COMPENSATION BOARD TO MAKE RECOMMENDATIONS TO THE COUNTY COMMISSIONERS FOR ANNUAL SALARY ADJUSTMENTS; PROVIDING FACTORS TO BE CONSIDERED IN MAKING A RECOMMENDATION; PROVIDING THAT A COUNTY OFFICER'S SALARY MAY NOT BE REDUCED BY A RECOMMENDATION; CLARIFYING THAT THE DEPARTMENT OF JUSTICE IS NOT OBLIGATED TO PROVIDE MORE THAN THE AMOUNT APPROPRIATED TO IT FOR THE STATE'S SHARE OF COUNTY ATTORNEY SALARIES; AMENDING SECTIONS 3-10-207, 7-4-2107, 7-4-2503, 7-4-2504, 7-4-2706, 7-14-2126, ~~15-10-420~~, 41-5-1704, AND 41-5-1705, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 3-10-207, MCA, is amended to read:

**"3-10-207. Salaries.** (1) The board of county commissioners shall set salaries for justices of the peace by resolution and ~~may, for all or the remainder of each fiscal year,~~ in conjunction with setting salaries for other officers as provided in 7-4-2504(1), ~~set their salaries at the prior fiscal year level if that does not result in a reduction in salary. Salaries must meet the minimum requirements established by this section.~~

~~(2) If the salary of the justice of the peace was determined on a fee basis for the years 1971 and 1972, he shall receive a monthly salary of not less than one-eighteenth of the total fees, civil and criminal, collected by the justice or his predecessor in office during the 2 years 1971 and 1972.~~

~~——— (3) If the salary of the justice of the peace was determined on a nonfee basis for the years 1971 and 1972, the justice shall be paid not less than the highest salary earned by the justice or his predecessor for the years 1971 and 1972.~~

~~(4)(2)~~ The salary of the justice of the peace may not be less than the salary for the district clerk of the court in that county, ~~except as provided for in subsections (1) and (5).~~

~~(5)(3)~~ ~~In the event his~~ If the justice's court is not open for business full time, the justice's salary shall must be commensurate to the workload and office hours of the court. The salary of a justice of the peace may not be reduced during the justice's term of office."

**Section 2.** Section 7-4-2107, MCA, is amended to read:

**"7-4-2107. Compensation of county commissioners.** (1) ~~Except as provided in subsection (3),~~ ~~each~~ ~~Each~~ SUBJECT TO SUBSECTION (2), EACH member of the board of county commissioners ~~in counties of the first, second, third, and fourth class~~ shall receive an annual salary equal to the annual salary established in 7-4-2503 for the clerk and recorder plus \$2,000. ~~However, the county commissioners may, for all or the remainder of each fiscal year, in conjunction with setting salaries for other officers as provided in 7-4-2504(1), set their salaries at the prior fiscal year level if that level is lower than the level required by this subsection.~~

(2) ~~Each member of the board in all other counties may elect to serve on a part-time rather than a full-time basis and receive an part-time annual salary equal to salaries based on the annual salary established in 7-4-2503(1)(a)(iii) for the clerk and recorder or a salary at a per-day rate determined by using the salary established in 7-4-2503(1)(a)(ii) for the clerk and recorder. However, the county commissioners may, for all or the remainder of each fiscal year, in conjunction with setting salaries for other officers as provided in 7-4-2504(1), set their salaries at the prior fiscal year level if that level is lower than the level required by this subsection. The salary determined by the board must apply uniformly to all board members.~~

~~———(3) Each member of the board of fourth-class counties may receive a salary at a daily rate determined by using the salary established in subsection (1). If a daily rate is used, then all board members must be paid on that basis.~~

~~(4)(3)~~ This section does not apply to counties that have adopted a charter form of government."

**Section 3.** Section 7-4-2503, MCA, is amended to read:

**"7-4-2503. (Temporary) Salary schedule for certain county officers -- county compensation board.**

(1) (a) The salary paid to the county treasurer, county clerk and recorder, clerk of the district court, county assessor, county superintendent of schools, county sheriff, county surveyor in counties where county surveyors receive salaries as provided in 7-4-2812, justice of the peace, and county auditor in all counties

1 where the office is authorized must be established by the county governing body ~~at no less than 80% of~~  
2 ~~the annual base salary of:~~

3 ~~—— (i) \$25,000 for counties of the first through fifth class added to the population increment of \$10~~  
4 ~~for each 100 persons or major fraction of 100 persons included in the county's population as determined~~  
5 ~~by the 1990 federal decennial census; or~~

6 ~~—— (ii) \$18,000 for counties of the sixth and seventh class added to the population increment of \$10~~  
7 ~~for each 100 persons or major fraction of 100 persons in the county's population as determined by the~~  
8 ~~1990 federal decennial census~~ based upon the recommendations of the county compensation board  
9 provided for in subsection (4).

10 (b) The annual ~~base~~ salary established by the county governing body in subsection (1)(a) must be  
11 uniform for all county officers referred to in subsection (1)(a).

12 (2) (a) An elected county superintendent of schools must receive, in addition to the salary based  
13 upon subsection (1), the sum of \$400 a year, except that an elected county superintendent of schools  
14 who holds a master of arts degree or a master's degree in education, with an endorsement in school  
15 administration, from a unit of the Montana university system or an equivalent institution may, at the  
16 discretion of the county commissioners, receive, in addition to the salary based upon subsection (1), up  
17 to \$2,000 a year.

18 (b) The county sheriff must receive, in addition to the salary based upon subsection (1), the sum  
19 of \$2,000 a year.

20 (c) The county sheriff must receive a longevity payment amounting to 1% of the ~~base~~ salary ~~set~~  
21 ~~forth in~~ determined under subsection (1) for each year of service with the sheriff's department, but years  
22 of service during any year in which the salary was set at the level of the salary of the prior fiscal year may  
23 not be included in any calculation of longevity increases. The additional salary amount provided for in this  
24 subsection may not be included in the ~~base~~ salary for purposes of computing the compensation for  
25 undersheriffs and deputy sheriffs as provided in 7-4-2508.

26 (3) (a) In each county with a population in excess of 30,000, the county attorney must be a  
27 full-time official under 7-4-2704, and the base salary is \$50,000 a year, subject to adjustment as provided  
28 in subsection (3)(c). In counties with a population less than 30,000, the county attorney who is a part-time  
29 official ~~for a county of the first, second, or third class~~ is entitled to receive an annual ~~base~~ BASE salary  
30 equal to ~~60% of the annual salary of a full-time county attorney~~ THE SALARY RECEIVED FOR THE FISCAL YEAR

1 ~~ENDING JUNE 30, 2001. A county attorney who is a part-time official for a county of the fourth, fifth, sixth,~~  
2 ~~or seventh class is entitled to receive an annual base salary equal to 50% of the annual base salary of a~~  
3 ~~full-time county attorney.~~

4 (b) In those counties where the office of the county attorney has been established as a full-time  
5 position pursuant to 7-4-2706, the ~~base~~ salary of the county attorney is the same as the ~~base~~ salary  
6 established for full-time county attorneys in subsection (3)(a).

7 (c) ~~On August 1 of each year, each~~ Each county attorney is entitled to an increase in salary  
8 ~~calculated by adding to the annual salary a percentage of up to 100% of the previous calendar year's~~  
9 ~~consumer price index for all urban consumers, U.S. department of labor, bureau of labor statistics, or other~~  
10 ~~index that the bureau of business and economic research of the university of Montana-Missoula may in~~  
11 ~~the future recognize as the successor to that index~~ based upon the schedule developed and approved by  
12 the county compensation board as provided in subsection (4). ~~However, the county commissioners may,~~  
13 ~~for all or the remainder of each fiscal year, in conjunction with setting salaries for other officers as~~  
14 ~~provided in 7-4-2504(1), set the salary at the prior fiscal year level if that level is lower than the level~~  
15 ~~required by this subsection (3)(c). The cost-of-living increment for each fiscal year must be added to all~~  
16 ~~cost-of-living increments granted for previous years unless salaries were set for the fiscal year at the level~~  
17 ~~of salaries received in the prior fiscal year. Unless restored pursuant to 7-4-2504(2), a cost-of-living~~  
18 ~~increment that would have been received for the fiscal year, computed on the prior fiscal year, may not~~  
19 ~~be added to previous increments.~~

20 (d) ~~(i)~~ After completing 4 years of service as deputy county attorney, each deputy county attorney  
21 is entitled to an increase in salary of \$1,000 on the anniversary date of employment as a deputy county  
22 attorney. After completing 5 years of service as deputy county attorney, each deputy county attorney is  
23 entitled to an additional increase in salary of \$1,500 on the anniversary date of employment. After  
24 completing 6 years of service as deputy county attorney and for each year of additional service ~~thereafter~~  
25 up to completion of the 11th year of service, each deputy county attorney is entitled to an additional  
26 annual increase in salary of \$500.

27 ~~(ii) A county with a full-time county attorney may pay its full-time county attorney the same~~  
28 ~~longevity increase that is provided for under subsection (3)(d)(i) for deputy county attorneys.~~

29 ~~—— (iii) Unless longevity increases are restored pursuant to 7-4-2504(2), the years of service during~~  
30 ~~a year in which the salary was set at the level of the salary of the prior fiscal year may not be included~~

1 ~~in a calculation of longevity increases.~~

2 ~~(4) The latest federal decennial census statistics are the basis for computation of population~~  
3 ~~increments under this section. During the intervening 9 years, the computation of population increments~~  
4 ~~applicable on July 1 of each year is based on the most current calendar year's estimates of counties'~~  
5 ~~populations compiled by the federal-state cooperative program for estimates of the university of~~  
6 ~~Montana-Missoula bureau of business and economic research and the U.S. bureau of the census or other~~  
7 ~~estimate that the bureau of business and economic research may certify.~~

8 (4) (a) There is a county compensation board consisting of the county commissioners, THREE OF  
9 the county officials described in subsection (1) APPOINTED BY THE BOARD OF COUNTY COMMISSIONERS, and the  
10 county attorney, AND TWO RESIDENT TAXPAYERS APPOINTED INITIALLY BY THE BOARD OF COUNTY COMMISSIONERS TO  
11 STAGGERED TERMS OF 3 YEARS, WITH THE INITIAL APPOINTMENTS OF ONE TAXPAYER MEMBER FOR A 2-YEAR TERM AND  
12 ONE TAXPAYER MEMBER FOR A 3-YEAR TERM. The county compensation board shall hold hearings annually for  
13 the purpose of reviewing the compensation paid to county officers. The county compensation board may  
14 consider the compensation paid to comparable officials in other Montana counties, other states, state  
15 government, federal government, and private enterprise.

16 (b) The county compensation board shall prepare a compensation schedule for the elected county  
17 officials, INCLUDING THE COUNTY ATTORNEY, for the succeeding fiscal year. The schedule must take into  
18 consideration county variations, including population, the number of residents living in unincorporated  
19 areas, assessed valuation, motor vehicle registrations, building permits, and other factors considered  
20 necessary to reflect the variations in the workloads and responsibilities of county officials as well as the  
21 tax resources of the county.

22 (c) A recommended compensation schedule requires a majority vote of the county compensation  
23 board, and at least two county commissioners must be included in the majority. A recommended  
24 compensation schedule may not reduce the salary of a county officer that was in effect on [the effective  
25 date of this act]. (Terminates July 1, 2001--sec. 4, Ch. 411, L. 1999.)

26 **7-4-2503. (Effective July 1, 2001) Salary schedule for certain county officers -- county**  
27 **compensation board.** (1) (a) The salary paid to the county treasurer, county clerk and recorder, clerk of  
28 the district court, county assessor, county superintendent of schools, county sheriff, county surveyor in  
29 counties where county surveyors receive salaries as provided in 7-4-2812, justice of the peace, and  
30 county auditor in all counties where the office is authorized must be established by the county governing

1 body at no less than 80% of the annual base salary of:

2 ~~—— (i) \$25,000 for counties of the first through fifth class added to the population increment of \$10~~  
3 ~~for each 100 persons or major fraction of 100 persons included in the county's population as determined~~  
4 ~~by the 1990 federal decennial census; or~~

5 ~~—— (ii) \$18,000 for counties of the sixth and seventh class added to the population increment of \$10~~  
6 ~~per 100 persons or major fraction of 100 persons in the county's population as determined by the 1990~~  
7 ~~federal decennial census based upon the recommendations of the county compensation board provided~~  
8 ~~for in subsection (4).~~

9 (b) The annual ~~base salary~~ established ~~by the county governing body in pursuant to~~ subsection  
10 (1)(a) must be uniform for all county officers referred to in subsection (1)(a).

11 (2) (a) An elected county superintendent of schools must receive, in addition to the salary based  
12 upon subsection (1), the sum of \$400 per year, except that an elected county superintendent of schools  
13 who holds a master of arts degree or a master's degree in education, with an endorsement in school  
14 administration, from a unit of the Montana university system or an equivalent institution may, at the  
15 discretion of the county commissioners, receive, in addition to the salary based upon subsection (1), up  
16 to \$2,000 per year.

17 (b) The county sheriff must receive, in addition to the salary based upon subsection (1), the sum  
18 of \$2,000 per year.

19 (c) The county sheriff must receive a longevity payment amounting to 1% of the ~~base salary set~~  
20 ~~forth in~~ determined under subsection (1) for each year of service with the sheriff's department, but years  
21 of service during any year in which the salary was set at the level of the salary of the prior fiscal year may  
22 not be included in any calculation of longevity increases. The additional salary amount provided for in this  
23 subsection may not be included in the ~~base~~ salary for purposes of computing the compensation for  
24 undersheriffs and deputy sheriffs as provided in 7-4-2508.

25 (3) (a) In each county with a population in excess of 30,000, the county attorney must be a  
26 full-time official under 7-4-2704, and the salary is \$50,000 per year, subject to adjustment as provided  
27 in subsection (3)(c). In counties with a population less than 30,000, the county attorney who is a part-time  
28 official ~~for a county of the first, second, or third class~~ is entitled to receive an annual BASE salary equal to  
29 ~~60% of the annual salary of a full-time county attorney~~ THE SALARY RECEIVED FOR THE FISCAL YEAR ENDING JUNE  
30 30, 2001. ~~A county attorney who is a part-time official for a county of the fourth, fifth, sixth, or seventh~~

1 ~~class is entitled to receive an annual salary equal to 50% of the annual salary of a full-time county~~  
2 ~~attorney.~~

3 (b) In those counties where the office of the county attorney has been established as a full-time  
4 position pursuant to 7-4-2706, the salary of the county attorney is the same as that established for  
5 full-time county attorneys in subsection (3)(a).

6 (c) ~~On August 1 of each year, each~~ Each county attorney is entitled to an increase in salary  
7 ~~calculated by adding to the annual salary a percentage of up to 100% of the previous calendar year's~~  
8 ~~consumer price index for all urban consumers, U.S. department of labor, bureau of labor statistics, or other~~  
9 ~~index that the bureau of business and economic research of the university of Montana-Missoula may in~~  
10 ~~the future recognize as the successor to that index~~ based upon the schedule developed and approved by  
11 the county compensation board as provided in subsection (4). ~~However, the county commissioners may,~~  
12 ~~for all or the remainder of each fiscal year, in conjunction with setting salaries for other officers as~~  
13 ~~provided in 7-4-2504(1), set the salary at the prior fiscal year level if that level is lower than the level~~  
14 ~~required by this subsection (3)(c). The cost-of-living increment for each fiscal year must be added to all~~  
15 ~~cost-of-living increments granted for previous years unless salaries were set for the fiscal year at the level~~  
16 ~~of salaries received in the prior fiscal year. Unless restored pursuant to 7-4-2504(2), a cost-of-living~~  
17 ~~increment that would have been received for the fiscal year, computed on the prior fiscal year, may not~~  
18 ~~be added to previous increments.~~

19 (d) (i) After completing 4 years of service as deputy county attorney, each deputy county attorney  
20 is entitled to an increase in salary of \$1,000 on the anniversary date of employment as deputy county  
21 attorney. After completing 5 years of service as deputy county attorney, each deputy county attorney is  
22 entitled to an additional increase in salary of \$1,500 on the anniversary date of employment. After  
23 completing 6 years of service as deputy county attorney and for each year of additional service ~~thereafter~~  
24 up to completion of the 11th year of service, each deputy county attorney is entitled to an additional  
25 annual increase in salary of \$500.

26 (ii) The years of service as a deputy county attorney accumulated prior to July 1, 1985, must be  
27 included in the calculation of the longevity increase, ~~but, unless longevity increases are restored pursuant~~  
28 ~~to 7-4-2504(2), the years of service during a year in which the salary was set at the level of the salary~~  
29 ~~of the prior fiscal year may not be included in a calculation of longevity increases.~~

30 (4) ~~The latest federal decennial census statistics are the basis for computation of population~~

~~increments under this section. During the intervening 9 years, the computation of population increments applicable on July 1 of each year is based on the most current calendar year's estimates of counties' populations compiled by the federal-state cooperative program for estimates of the university of Montana-Missoula bureau of business and economic research and the U.S. bureau of the census or other estimate that the bureau of business and economic research may certify.~~

(4) (a) There is a county compensation board consisting of the county commissioners, THREE OF the county officials described in subsection (1) APPOINTED BY THE BOARD OF COUNTY COMMISSIONERS, and the county attorney, AND TWO RESIDENT TAXPAYERS APPOINTED INITIALLY BY THE BOARD OF COUNTY COMMISSIONERS TO STAGGERED TERMS OF 3 YEARS, WITH THE INITIAL APPOINTMENTS OF ONE TAXPAYER MEMBER FOR A 2-YEAR TERM AND ONE TAXPAYER MEMBER FOR A 3-YEAR TERM. The county compensation board shall hold hearings annually for the purpose of reviewing the compensation paid to county officers. The county compensation board may consider the compensation paid to comparable officials in other Montana counties, other states, state government, federal government, and private enterprise.

(b) The county compensation board shall prepare a compensation schedule for the elected county officials, INCLUDING THE COUNTY ATTORNEY, for the succeeding fiscal year. The schedule must take into consideration county variations, including population, the number of residents living in unincorporated areas, assessed valuation, motor vehicle registrations, building permits, and other factors considered necessary to reflect the variations in the workloads and responsibilities of county officials as well as the tax resources of the county.

(c) A recommended compensation schedule requires a majority vote of the county compensation board, and at least two county commissioners must be included in the majority. A recommended compensation schedule may not reduce the salary of a county officer that was in effect on [the effective date of this act]."

**Section 4.** Section 7-4-2504, MCA, is amended to read:

**"7-4-2504. Salaries to be fixed by resolution -- cost-of-living increments.** ~~(1)~~ The county governing body shall by resolution on or before August 1 of each year adjust and uniformly fix the salaries of the county treasurer, county clerk, county assessor, county school superintendent, county sheriff, clerk of district court, county auditor (if there is one), justice of the peace, and county surveyor (if the surveyor receives a salary). ~~The salaries fixed may be no less than 80% of~~ by adding to the annual base salary



provided for in 7-4-2503(1) ~~plus a cost-of-living increment based on a percentage of up to 100% of the~~  
~~previous calendar year's consumer price index for all urban consumers, U.S. department of labor, bureau~~  
~~of labor statistics, or other index that the bureau of business and economic research of the university of~~  
~~Montana-Missoula may in the future recognize as the successor to that index upon the schedule developed~~  
~~and approved by the county compensation board provided for in 7-4-2503(4). The county governing body~~  
~~may, however, for all or the remainder of each fiscal year, in conjunction with setting salaries for the same~~  
~~action on the salaries of justices of the peace (if applicable), the county governing body, the county~~  
~~attorney, and the coroner, set the salary at the prior fiscal year level if that level is lower than the level~~  
~~required by this subsection. The cost-of-living increment for each fiscal year must be added to all~~  
~~cost-of-living increments granted for previous years unless salaries were set for the fiscal year at the level~~  
~~of salaries received in the prior fiscal year. In such a case, the cost-of-living increment that would have~~  
~~been received for the fiscal year, computed on the prior fiscal year, may not be added to previous~~  
~~increments.~~

~~———(2) The county governing body may, in any subsequent fiscal year, restore for 1 or more years~~  
~~the annual cost-of-living increments withheld pursuant to subsection (1). If cost-of-living increments are~~  
~~restored, the longevity increases provided for sheriffs in 7-4-2503, for deputy county attorneys in~~  
~~7-4-2503(3)(d)(i), and for undersheriffs and deputy sheriffs in 7-4-2510 must also be restored for the~~  
~~years for which the cost-of-living increment was restored.~~

~~———(3) The county governing body shall by resolution, prior to August 1 of each year, establish the~~  
~~salary of the coroner and may, for all or the remainder of each fiscal year, in conjunction with setting~~  
~~salaries for other officers as provided in subsection (1), set the salary at the prior fiscal year level. The~~  
~~salary must be in effect on the first day of each ensuing fiscal year.~~

~~(2) Salary and benefit increases for county officials and county employees based upon the~~  
~~recommendations of the county compensation board provided for in 7-4-2503(4) are not included within~~  
~~the mill levy limit established pursuant to 15-10-420."~~

**Section 5.** Section 7-4-2706, MCA, is amended to read:

**"7-4-2706. County attorney to be full or part time -- resolution -- salary.** (1) In any county with  
a population of less than 30,000, the county commissioners may, upon the consent of the county  
attorney, on July 1 of any year by resolution establish the office of county attorney as a full-time position

subject to the provisions of 7-4-2701 and 7-4-2704. The salary for this position is the salary ~~provided by~~  
~~established pursuant to 7-4-2503 for the office of county attorney in a county with a population in excess~~  
~~of 30,000.~~

(2) In any county in which the office of county attorney has been established as a full-time  
position under subsection (1), the county commissioners may, by resolution and upon the consent of the  
county attorney, establish the office as a part-time position on July 1 of any year."

**Section 6.** Section 7-14-2126, MCA, is amended to read:

**"7-14-2126. Compensation for making inspections.** The person ~~or persons~~ making the inspections  
authorized by 7-14-2125 shall receive a daily salary equal to ~~that~~ the equivalent of a daily rate for the  
salary established in 7-4-2107(2) and actual expenses if ~~he receives no~~ the person does not receive other  
compensation for that day and is not on an annual salary. The claims ~~shall~~ must be audited and allowed  
in the same manner as other claims against the county."

~~Section 7.~~ Section 15-10-420, MCA, is amended to read:

~~"15-10-420. Procedure for calculating levy. (1) A governmental entity that is authorized to impose~~  
~~mills may impose a mill levy sufficient to generate the amount of property taxes actually assessed in the~~  
~~prior year, even if that levy is greater than the levy established by law. The maximum number of mills that~~  
~~a governmental entity may impose is established by calculating the number of mills required to generate~~  
~~the amount of property tax actually assessed in the governmental unit in the prior year based on the~~  
~~current year taxable value, less the value of newly taxable property.~~

~~(2) A governmental entity may apply the levy calculated pursuant to subsection (1) plus any~~  
~~additional levies authorized by the voters to all property in the governmental unit, including newly taxable~~  
~~property.~~

~~(3) For purposes of this section, newly taxable property includes:~~

~~(a) annexation of real property and improvements into a taxing unit;~~

~~(b) construction, expansion, or remodeling of improvements;~~

~~(c) transfer of property into a taxing unit;~~

~~(d) subdivision of real property;~~

~~(e) reclassification of property;~~

~~1 (f) transfer of property from tax-exempt to taxable status; and~~  
~~2 (g) revaluations caused by expansion, addition, replacement, or remodeling of improvements.~~  
~~3 (4) Subsection (1) does not apply to:~~  
~~4 (a) school district general fund levies and the school district levy for tuition obligations established~~  
~~5 in 20-5-324(5); or~~  
~~6 (b) mill levies to pay for salary and benefit increases for county officials and county employees~~  
~~7 as provided in 7-4-2504(2) after [the effective date of this act].~~  
~~8 (5) For purposes of subsection (1), taxes imposed:~~  
~~9 (a) include registration fees imposed on light vehicles under 61-3-561 and distributed under~~  
~~10 61-3-509(2); and~~  
~~11 (b) do not include net or gross proceeds taxes received under 15-6-131 and 15-6-132.~~  
~~12 (6) In determining the maximum number of mills in subsection (1), the governmental entity shall~~  
~~13 take into account any change from the prior year in the amount of statutory reimbursements for changes~~  
~~14 in the property tax laws. The amount of motor vehicle disposition under 61-3-509(2), as that section read~~  
~~15 on December 31, 2000, is an increased statutory reimbursement. It may increase the number of mills to~~  
~~16 account for a decrease in reimbursements and shall decrease the number of mills to fully account for any~~  
~~17 increase in reimbursements.~~  
~~18 (7) The department shall calculate the number of mills to be imposed for purposes of 15-10-107,~~  
~~19 20-9-331, 20-9-333, 20-9-360, 20-25-423, 20-25-439, and 53-2-813. However, the number of mills~~  
~~20 calculated by the department may not exceed the mill levy limits established in those sections.~~  
~~21 (8) The department may adopt rules to implement this section. The rules may include a method~~  
~~22 for calculating the percentage of change in valuation for purposes of determining the elimination of~~  
~~23 property, new improvements, or newly taxable property in a governmental unit."~~

24  
25 **Section 7.** Section 41-5-1704, MCA, is amended to read:

26 **"41-5-1704. Salary and expenses.** (1) A chief probation officer must receive a salary specified  
27 by the court, depending on the formal training and experience of each respective officer; however, the  
28 salary may not be lower than \$24,000 a year ~~and may not be higher than \$29,000 a year~~. In addition to  
29 the salary, the court shall, on or before July 1 of each year, adjust and fix the salary of the chief probation  
30 officer for a cost-of-living increase by adding to the chief probation officer's annual salary on July 1 of that

1 year an increment, as determined by the county governing body using the applicable formula provided for  
2 in 7-4-2504, ~~of up to 100% of the previous calendar year's consumer price index for all urban consumers,~~  
3 ~~U.S. department of labor, bureau of labor statistics, or other index that the bureau of business and~~  
4 ~~economic research of the university of Montana-Missoula may in the future recognize as the successor to~~  
5 ~~that index. The cost-of-living increment for each fiscal year must be added to all cost-of-living increments~~  
6 ~~granted for previous years unless salaries were set for the fiscal year at the level of salaries received in~~  
7 ~~the prior fiscal year by the county governing body. If that is the case, the cost-of-living increment that~~  
8 ~~would have been received for the fiscal year, computed on the prior fiscal year, may not be added to~~  
9 ~~previous increments.~~ The salary of a chief probation officer must be apportioned among and paid by each  
10 of the counties in which the officer is appointed to act, in proportion to the cost allocation established  
11 under 41-5-104, except when the officer is appointed for one county, then that county shall pay the entire  
12 salary.

13 (2) In addition to the compensation provided in subsection (1), each chief probation officer with  
14 more than 5 years of service is entitled to receive an annual 1% longevity allowance; however, years of  
15 service during any year in which the salary was set at the same level as the salary of the prior fiscal year  
16 may not be included in any calculation of longevity increase. Each longevity allowance must be based on  
17 the officer's current salary and begins on the officer's annual employment anniversary date. The allowance  
18 must be paid in equal monthly installments.

19 ~~(3) If the county governing body, in any subsequent fiscal year, restores for 1 or more years the~~  
20 ~~annual cost-of-living increments withheld pursuant to subsection (1), the longevity increases provided for~~  
21 ~~in subsection (2) must also be restored for those years that the cost-of-living increment was restored.~~

22 ~~(4)~~(3) For all authorized travel incident to a chief probation officer's official duties in connection  
23 with the investigation, supervision, and transportation of youth, the chief probation officer must, in  
24 addition to the officer's salary, be reimbursed as provided in 2-18-501 through 2-18-503."

25

26 **Section 8.** Section 41-5-1705, MCA, is amended to read:

27 **"41-5-1705. Deputy probation officers -- salary.** (1) The judge having jurisdiction of juvenile  
28 matters may appoint persons to serve as deputy probation officers ~~as~~ that the judge considers necessary,  
29 giving preference to persons having the qualifications suggested for appointment as the chief probation  
30 officer. The salaries of deputy probation officers must be fixed by the judge. The salaries may not exceed

1 90% or be less than 60% of the salary of the chief probation officer, excluding the cost-of-living increase  
2 provided in subsection (2) and longevity payments provided in 41-5-1704.

3 (2) In addition to the salary, the judge shall, on or before July 1 of each year, adjust and fix the  
4 salary of the deputy probation officer for a cost-of-living increase by adding to the deputy probation  
5 officer's annual salary on July 1 of that year an increment, as determined by the county governing body  
6 using the applicable formula provided in 7-4-2504, ~~of up to 100% of the previous calendar year's~~  
7 ~~consumer price index for all urban consumers, U.S. department of labor, bureau of labor statistics, or other~~  
8 ~~index that the bureau of business and economic research of the university of Montana-Missoula may in~~  
9 ~~the future recognize as the successor to that index. The cost-of-living increment for each fiscal year must~~  
10 ~~be added to all cost-of-living increments granted for previous years unless salaries were set for the fiscal~~  
11 ~~year at the level of salaries received in the prior fiscal year by the county governing body. If that is the~~  
12 ~~case, the cost-of-living increment that would have been received for the fiscal year, computed on the prior~~  
13 ~~fiscal year, may not be added to previous increments.~~ The salary of a deputy probation officer must be  
14 apportioned among and paid by each of the counties in which the officer is appointed to act, in proportion  
15 to the cost allocation established under 41-5-104, except when the officer is appointed for one county,  
16 then that county shall pay the entire salary.

17 (3) In addition to the compensation provided in subsections (1) and (2), each deputy probation  
18 officer with more than 5 years of service is entitled to receive an annual 1% longevity allowance; ~~however,~~  
19 ~~years of service during any year in which the salary was set at the same level as the salary of the prior~~  
20 ~~fiscal year may not be included in any calculation of longevity increase.~~ Each longevity allowance must  
21 be based on the officer's current salary and begins on the officer's annual employment anniversary date.  
22 The allowance must be paid in equal monthly installments.

23 ~~(4) If the county governing body, in any subsequent fiscal year, restores for 1 or more years the~~  
24 ~~annual cost-of-living increments withheld pursuant to subsection (2), the longevity increases provided for~~  
25 ~~in subsection (3) must also be restored for those years that the cost-of-living increment was restored.~~

26 ~~(5)~~(4) The salary of a deputy probation officer promoted to chief probation officer may not be  
27 decreased by the appointment. The deputy probation officer retains all longevity allowances earned during  
28 service as a deputy."  
29

30 NEW SECTION. SECTION 9. LIMIT ON STATE SHARE OF COUNTY ATTORNEY SALARY. AS PROVIDED IN

1 7-4-2502(2)(A), THE DEPARTMENT OF JUSTICE IS NOT OBLIGATED TO PROVIDE MORE THAN ONE-HALF OF THE SALARY  
2 OF A COUNTY ATTORNEY BASED ON THE AMOUNT INCLUDED IN THE DEPARTMENT'S BUDGET AND APPROPRIATED FOR THAT  
3 PURPOSE.

4

5 NEW SECTION. **Section 10. Effective date.** [This act] is effective on passage and approval.

6

- END -